

CLAIMS: THE CASE OF ORR AND LAUBENHEIMER AND THE POST-GLOVER ELECTRIC COMPANY

Protocol of agreement signed at Washington March 22, 1900

Entered into force March 22, 1900

*Terminated June 16, 1900*¹

1900 For. Rel. 824; Treaty Series 259

CLAIMS OF ORR AND LAUBENHEIMER AND THE POST-GLOVER ELECTRIC COMPANY V. NICARAGUA

Protocol of an agreement between the United States and Nicaragua for the arbitration of the amount of damages to be awarded Orr and Laubenhimer and the Post-Glover Electric Company, signed at Washington, March 22, 1900.

The United States of America and the Republic of Nicaragua, through their representatives, John Hay, Secretary of State of the United States of America, and Luis F. Corea, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, have agreed upon and signed the following protocol:

Whereas, the said Orr and Laubenhimer, citizens of the United States of America, have claimed through the Government of the United States from the Government of Nicaragua indemnity on account of damages sustained through the alleged seizure and detention by Nicaraguan authorities of said Orr and Laubenhimer's steam launches "the Buena Ventura" and "the Alerta;" and

Whereas, the said Post-Glover Electric Company, a citizen of the United States of America, has claimed through the Government of the United States from the Government of Nicaragua indemnity on account of the alleged seizure at Bluefields of certain goods and chattels of the Post-Glover Electric Company:

It is agreed between the two Governments:

I. That the question of the amount of the indemnity in each of said cases shall be referred to General E. P. Alexander, who is hereby appointed as

¹ Date on which the arbitrator rendered the award (TS 398; 1900 For. Rel. 826).

Arbitrator to hear said cases and to determine the respective amounts of said indemnities.

II. The Government of the United States will lay before the arbitrator and before the Nicaraguan Government a copy of all the correspondence sent, received by and on file in the Department of State in relation to said claims.

III. The Government of the United States having declined to submit any matter in dispute herein to arbitration, except the amount of indemnity to be awarded in each of said cases, the Government of Nicaragua, as an act of deference to the United States, waives its denial of liability in said cases and agrees that said arbitrator may award such sum as he believes said Orr and Laubenhimer and said Post-Glover Electric Company may be justly entitled to; but the award shall not exceed the amount claimed in the memorials filed in the Department of State in each case.

IV. The said evidence is to be submitted to the Nicaraguan Government and to the arbitrator on or before the first day of May, 1900, who may, if he deems it necessary in the interests of justice, require the production of further evidence and each Government agrees to comply with said request so far as possible; but he shall not for that purpose delay his decision beyond July 1, 1900.

V. Each Government may furnish to the arbitrator an argument or brief not later than June 1, 1900, but the arbitrator need not for that purpose delay his decision.

VI. The Government of Nicaragua shall pay the indemnity fixed by the arbitrator, if any, in American gold or its equivalent in silver, at the General Treasury at Managua, as soon as the Legislative Assembly of Nicaragua shall authorize the payment; but the time thus allowed shall in no case exceed six months from the day the decision is pronounced, unless an extension of time of its payment should be granted by the Government of the United States.

VII. Reasonable compensation to the arbitrator is to be paid in equal moieties by both Governments.

VIII. Any award given by the arbitrator shall be final and conclusive.

Done in duplicate at Washington this 22d day of March, 1900.

JOHN HAY
LUIS F. COREA